

May 8, 1998

**VHA EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND AFFIRMATIVE  
EMPLOYMENT PROGRAM SPECIALIST POSITION**

**1. PURPOSE:** This Directive articulates new Veterans Health Administration (VHA) policy for the Equal Employment Opportunity (EEO) and Affirmative Employment Program at all VHA field facilities in light of the establishment of the Office of Resolution Management.

**2. BACKGROUND**

a. In May 1997, Secretary-Designate Gober appointed a task force to recommend a plan for changing the system for processing complaints of discrimination. The task force submitted its plan to him on September 22, 1997, which recommended the establishment of an independent Office of Resolution Management (ORM), headed by a Deputy Assistant Secretary (DAS). The task force also recommended in its plan that the DAS become responsible for the Department of Veterans Affairs (VA)'s entire EEO complaint process and replace the Office of Equal Opportunity's Discrimination Complaint Service.

b. Effective September 25, 1997, Secretary-Designate Gober approved the plan and submitted it for congressional approval. On November 21, 1997, Title 1 of Public Law 105-114, the Veterans Benefits Act of 1998, was enacted and entitled the Equal Opportunity Process in VA. The Office of Resolution Management became operational on February 22, 1998.

c. With the establishment of the ORM, medical center Directors have been relieved of their responsibility for serving as EEO officers for the specific purposes of processing locally filed complaints of discrimination. Medical center Directors retain accountability for eliminating discriminatory policies and practices, and maintaining a discrimination-free workplace by adhering to established Departmental policy. As recent scrutiny by Congress has demonstrated, it is important that medical center directors are aware of potential problems as soon as possible. With the removal of complaint processing from the medical centers, directors will often not know of problems until they go beyond the local level. Facilities which do not have an individual functioning as the Principal Advisor to the Director and top management on potential problem areas, are at a major disadvantage. It must be stressed that the only function which medical center Directors have been relieved of in operating the EEO and Affirmative Employment Program is the administrative component of EEO Discrimination Complaints processing. Each medical center Director retains responsibility for administering VHA's EEO and Affirmative Employment program at their facility. It is extremely important that each medical center has a staff person who will assist in the complaint process by providing assistance in an effort to resolve allegations during the informal stage, and to resolve formal complaints of discrimination. It is imperative that each medical center has a staff person who will provide assistance to the ORM Field Managers, ORM Intake Specialists, Full-time Investigators, Full-time EEO Counselors, Equal Employment Opportunity Commission (EEOC) Administrative Judges, and Staff Attorneys from the Office of District Counsel. In accordance with EEOC Directive MD-110, this staff person must not be an employee of the Human Resources Office.

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**3. POLICY:** VHA is committed to equal opportunity for all qualified persons regardless of race, color, religion, sex, disability, national origin, or age; and maintaining a working environment free from discrimination and sexual harassment. VHA will establish goals and objectives as well as maintain appropriate activities that comply with Federal EEO and Affirmative Employment laws and policies. It is therefore, VHA policy that each medical center Director appoint an EEO and Affirmative Employment Program Specialist to serve as the medical center Director's Principal Advisor. This Specialist will serve as liaison between the medical center Director, VHA Headquarters Staff, and the Office of Resolution Management. This Specialist must not be an employee of the Human Resources Office. **NOTE:** *This Specialist must perform the duties and possess the knowledges and abilities listed in Attachment A.*

### 4. ACTION

a. Medical center Directors must appoint an individual to serve as the EEO and Affirmative Employment Specialist. This position may be filled on a full-time, part-time or collateral duty basis, as appropriate, consistent with the needs of the facility and the availability of resources.

b. Upon the appointment of the EEO and Affirmative Employment Specialist, the information contained in Attachment B must be completed and returned to the Management Support Office, EEO and Affirmative Employment Team (10A2E), VHA Headquarters. This information must be submitted not later than June 1, 1998.

c. The EEO and Affirmative Employment Specialist must attend all VHA Headquarters sponsored training as scheduled and announced.

### 5. REFERENCES

- a. EEOC Management Directive MD-110.
- b. Title 29 Code of Federal Regulations Part 1614.
- c. MP-7, Part I, Chapter 2, Section H, change 1.

**6. FOLLOW-UP RESPONSIBILITY:** The Director, Management Support Office, EEO and Affirmative Employment Team (10A2), is responsible for the contents of this directive.

**7. RESCISSION:** This VHA Directive will expire May 8, 2003.

S/Kenneth W. Kizer, M.D., M.P.H.  
Under Secretary for Health

Attachments

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**ATTACHMENT A****EEO AND AFFIRMATIVE EMPLOYMENT SPECIALIST, GS-260****1. DUTIES**

a. Serves as principal advisor in the area of Equal Employment Opportunity (EEO) and Affirmative Employment for the medical center Director, service line executives, supervisors, and employees. Serves as the medical center's spokesperson for all protected groups within the local community.

b. Conducts analyses and develops statistics upon which realistic affirmative action goals can be based. Provides guidance and advice to management as well as interpretation concerning the application of regulations and policies. Throughout the process of analysis, identifies potential problem areas and develops proposals for management in order to reduce or eliminate these problems. Will establish contact with targeted groups in accordance with the facility's Federal Employment or Recruitment Plan (FEORP) efforts.

c. Responsible for developing and implementing all plans associated with the EEO Program. These include the Affirmative Action Plan and Report of Accomplishments, Federal Equal Employment Opportunity Program (FEORP), and People with Disabilities, Disabled Veterans Plans, and the Plan to the White House on initiatives to support Historically Black Colleges and Universities (HBCUs). Once these plans are developed, must assure that all levels of management, as well as employees and union officials, are aware of the plan, its objectives, and how these objectives will be measured. Must brief the medical center Director and management officials in order to make them aware of their responsibilities under these plans. Plans of this nature cannot be successful without the support of top management. Must assure that the plan is distributed to all levels of management and is understood by managers as well as employees.

d. In administering the medical center's EEO Program, must conduct periodic evaluations of the workforce in order to develop data which can be utilized in evaluating the effectiveness of the program. This data will form the basis for the various reports associated with the EEO Program. Must periodically meet with managers whose workforce profile indicates a need for improvement in the area of EEO; assists them in carrying out evaluations of their workforce by making recommendations on how minority and female representation may be increased. This assistance should serve not only to improve representation of minorities, the disabled, and women in the workforce, but also to reduce or eliminate potential complaints of discrimination. Such assistance may be provided in the form of training, recommendations for changes, reviewing local policies, and providing assistance in identifying minority candidates for vacancies. In order to administer the program in an effective manner, the incumbent must develop and implement a training program in equal opportunity and supervisory practices. This program must be made available to managers and supervisors, and employees at all levels, with the purpose of informing them of the laws, regulations, policies, and procedures that affect EEO.

e. Must be trained and certified as a National Facilitator in order to conduct EEO Training including the Prevention of Sexual Harassment, to all managers and supervisors at the medical center. This will provide the facility with a certified facilitator to conduct mandated training on the discrimination complaint process and the prevention of sexual harassment, cultural diversity,

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and will ensure that newly appointed employees will received the mandated "New Employee Orientation on EEO and the Prevention of Sexual Harassment" within 60 days of employment.

f. Must conduct studies and analyses on the utilization of minorities and women in the work place, identifying obstacles and outlining alternative solutions to identified problems. Will compile and analyze statistical data in order to evaluate progress of the EEO Program. Will pinpoint organizational or occupational areas that need improvement and will develop alternatives in order to resolve problems.

g. Ensures the activities of the Special Emphasis Program Managers and their respective subcommittees are carried out in accordance with Departmental and local policy. Will serve as a representative of the facility in establishing and maintaining contact with local community groups who are interested in civil rights and/or equal opportunity. Will establish relationships with HBCUs and Hispanic Serving Institutions (HSIs) to develop collaborative initiatives with these institutions.

h. Will serve as technical advisor to the facility's EEO Committee. Will establish and implement an effective recognition program for those who make a significant contribution to members of the facility's Federal EEO Committee.

i. Will develop an Alternative Dispute Resolution Program, which is any procedure or combination of procedures voluntarily used to resolve issues in controversy without the need to resort to litigation. These procedures may include, but are not limited to, assisted settlement negotiations, conciliation, facilitation, mediation, fact finding, minitrials, and arbitration, that require an impartial advisor or neutral third party. As the facility's mediator will attempt, through reviews and discussions with both parties, to assist in negotiating a settlement. As mediator, will assist the parties to:

- (1) Structure the negotiation;
- (2) Clarify the core issues in dispute;
- (3) Avoid personality conflicts that would disrupt the negotiation;
- (4) Identify the strengths and weaknesses of each side's position; and
- (5) Examine alternative approaches that may facilitate a compromise agreement.

j. Will serve as technical expert for processing the following complaints which are not covered by the Office of Resolution Management (ORM):

(1) **Title IX complaints**; prohibiting discrimination on the basis of sex in education program or activities that receive Federal financial assistance.

(2) **Title VI complaints under Section 504 of the Rehabilitation Act of 1997**, prohibiting discrimination on the basis of handicap in programs or activities receiving Federal financial assistance.

(3) **Title VI complaints of the Civil Rights Act of 1964**, prohibiting discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Veterans Affairs.

(4) **Title VI complaints of the Age Discrimination Act of 1975**, prohibiting age discrimination to any program or activity receiving Federal financial assistance provided by the Department of Veterans Affairs directly or through another recipient.

## **2. KNOWLEDGE AND ABILITIES REQUIRED FOR THE POSITION**

This work requires a high degree of judgment in analyzing and recommending solutions to problems that adversely affect EEO. It requires judgment in establishing priorities and the direction the program should take for maximum results. It requires advising management on specific actions in supporting affirmative action, and devising strategies for handling discrimination complaints. In order to perform these duties effectively, the individual must possess the following:

a. Knowledge of Federal EEO laws, regulations, and policies. Knowledge of the operating principles of the EEO Program to include the counseling process, the complaint process, the investigative process, the roles of the EEO Committee and Special Emphasis Programs, as well as all required plans and reports.

b. Knowledge of the principles of Personnel Management and of Federal Personnel Regulations which provide the basis for recommending changes in employment policies and practices.

c. Knowledge of the cause of barriers to Equal Employment opportunities and the cause and effects of discriminatory practices against protected classes of individuals.

d. Knowledge of and the ability to interpret Title VI and Title IX laws and regulations.

e. The ability to serve as an expert trainer in the area of EEO.

f. Ability to conduct analyses and evaluate work situations in order to effectively brief the medical center director on workable solutions to systemic problems and methods to eliminate barriers.

g. Ability to communicate effectively, both verbally and in writing, prepare a variety of reports, and brief supervisors, service chiefs, and management personnel concerning all aspects of the EEO Program.

h. Ability to provide leadership and guidance to committees and Special Emphasis Program Managers.

i. Ability to evaluate the EEO Program in order to assure compliance with existing regulations.



**ATTACHMENT B**

**SAMPLE FORMAT  
for  
EEO AND AFFIRMATIVE EMPLOYMENT SPECIALIST SUBMISSION**

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Station Name and Number

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EEO and Affirmative Employment Specialist's Name (Grade)

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Part-Time - Full-Time (Please Specify)

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If Part-Time, List Classified Title and Grade

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EEO and Affirmative Employment Specialist's Telephone and Fax Numbers

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(Medical Center Director's Signature) (Date)